

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

FILED

2016 FEB -8 P 3:08

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

MARK HAZELWOOD,
SCOTT WOMBOLD,
JOHN FREEMAN,
VICKI BORDEN,
JOHN SPIEWAK,
HEATHER JONES,
KATY BIBEE, and
KAREN MANN,

DEFENDANTS.

UNDER SEAL

No. 3:16-CR-20
JUDGES THAPAR/GUYTON

**Notice of Filing Government's Disclosure Statement Pursuant to Federal Rule
of Criminal Procedure 12.4 and Notice of Government's Intent to Request
Partial Relief from Rule 12.4's Initial Appearance Deadline**

The United States hereby provides notice that Attachment A to this notice of filing initiates the government's satisfaction of its obligation to file a disclosure statement related to potential organizational victims at initial appearance pursuant to Federal Rule of Criminal Procedure 12.4.

Rule 12.4(a)(2) states that:

If an organization is a victim of the alleged criminal activity, the government must file a statement identifying the victim. If the organizational victim is a corporation, the statement must also disclose the information required by Rule 12.4(a)(1) to the extent it can be obtained through due diligence.

Fed. R. Crim. P. 12.4(a)(2). The cross-reference to Rule 12.4(a)(1) for corporate victims means that for corporate victims, the United States must use due diligence to identify the corporate victim's "parent corporation and [any] publicly held corporation that owns 10% or more of its stock." Fed. R. Crim. P. 12.4(a)(1). As stated in the Advisory Committee's Notes, "the purpose of [the Rule 12.4] disclosure is to alert the court to the fact that a possible ground for disqualification might exist." Fed. R. Crim. P. 12.4 advisory committee's notes.

The government offers the following background for the list of non-governmental organizations, namely interstate trucking companies, provided in Attachment A. On April 15, 2013, the Federal Bureau of Investigation and the Internal Revenue Service-Criminal Investigation executed search warrants at the Knoxville, Tennessee corporate headquarters of Pilot Travel Centers LLC (Pilot). In July 2014, Pilot entered into a Criminal Enforcement Agreement with the United States and agreed to cooperate with the government's ongoing criminal investigation. Through that cooperation, Pilot, through counsel, has advised the United States that Pilot's audit of its trucking company customer accounts, in the wake of the federal search warrants, resulted in payments to thousands of trucking company customers, ranging from a few dollars to millions of dollars. The government's criminal investigation has been focused on identifying which of those trucking company customers were victims of the offenses alleged in the Indictment in this case. Based on the investigation to date, using the definitions of terms "crime victim" set forth in 18 U.S.C. § 3771(e) and "victim" set forth in 18 U.S.C. §§ 3663(a)(2) and 3663A(a)(2) as a guide, the likely actual, or intended or targeted, non-governmental victims of the fraud offenses alleged in the Indictment in this case are the 382 trucking company customers listed in Attachment A (357 domestic companies and 25 non-domestic companies).¹

¹ To be clear, the government is not, at this time, labeling all of the trucking companies listed on Attachment A as "crime victims" or "victims" within the meanings of the above-cited

The government also hereby gives notice that, at initial appearance, it will orally move the Court to grant it partial relief from its obligation to provide, at initial appearance, the additional information required by Fed. R. Crim. P. 12.4(b)(1), “parent corporation” information and whether any “publicly held corporation [that] owns 10% or more of its stock.” As the Advisory Committee’s Notes state, “[t]he rule requires an attorney for the government to use due diligence in obtaining information that information from a corporate organizational victim, recognizing that the timing requirements of Rule 12.4(b) might make it difficult to obtain the necessary information by the time the initial appearance is conducted.” Fed. R. Crim. P. 12.4 advisory committee’s notes. Various factors, including the scale of this Rule 12.4 exercise, have made it difficult to gather this additional information for trucking companies that may be corporations and have such information available for initial appearance.

The relief sought from the government is as follows. The government respectfully requests that the court deem as sufficient “due diligence,” within the meaning of Rule 12.4, the government’s sending of the following communication, by email or regular mail, to the 357 domestic² trucking companies listed on Attachment A, and then reporting any pertinent responses to the Court through a filed submission on March 8, 2016:

statutes. The government is in good faith choosing to be over-inclusive in its effort to comply with the spirit of Rule 12.4, that is to assist the Court with identifying any “ground for disqualification.” Fed. R. Crim. P. 12.4 advisory committee’s notes. In that vein, if the Court would like a list of every Pilot trucking company customer to which Pilot sent a post-audit payment, the government will promptly file such list with the Court upon request.

² To avoid any possible violation of any applicable treaty, the United States Attorney’s Office does not plan to directly contact any non-domestic trucking companies.

Dear Trucking Company:

You are receiving this email/letter because you have been identified as an organization that may have been a crime victim (or an intended crime victim), as defined by 18 U.S.C. §§ 18 U.S.C. 3663(a)(2), 3663A(a)(2), and 3771(e), of the federal fraud offenses charged in criminal cases presently pending before the United States District Court for the Eastern District of Tennessee, and which concern diesel fuel discount practices at Pilot Travel Centers LLC prior to April 15, 2013.

Federal Rule of Criminal Procedure 12.4 requires that the government file a statement with the Court identifying any victims of alleged criminal activity that are "organizations." Additionally, the United States must identify for the Court any victim organizations that are corporations, and for any organizations that are corporations, identify any such corporate organization's "parent corporation and any publicly held corporation that owns 10% or more of its stock."

Accordingly, at your earliest convenience, please reply to this email/letter and answer the following:

- 1. Is your trucking company a corporation, or similar legal entity?*
- 2. If your trucking company is a corporation, or similar legal entity, does your company have a parent corporation? If so, what is the name of that parent corporation?*
- 3. If your trucking company is a corporation, or similar legal entity, does a publicly held corporation own 10% or more of its stock? If so, please state the name of any such publicly held corporation.*

Please do not hesitate to contact me by telephone, at the number provided below, with any questions and to verify the legitimacy of this request.

Respectfully submitted,

NANCY STALLARD HARR
ACTING UNITED STATES ATTORNEY

BY:



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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2016, a copy of the foregoing **Notice of Filing Government's Disclosure Statement Pursuant to Federal Rule of Criminal Procedure 12.4 and Notice of Government's Intent to Request Partial Relief from Rule 12.4's Initial Appearance Deadline** was filed with the Clerk of the United States District Court. Once this matter is unsealed, notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.



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**Attachment A: Notice of Filing Government's Disclosure Statement
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A Duie Pyle
A G Trucking
A T A Transportation
A T C Leasing Company
ABC Supply
ABC Transportation Company
Action Expediting
Action Express
Advanced Waste Services
Aker Plastics Company, Inc.
Alamo
Alcatraz LLC
All American Xpress, Inc.
All Modes, Inc.
Allied
Altendorf
Am-Can Transport Service, Inc.
America Midwest Transportation
American Furniture Manufacturing, Inc.
Amerifreight
Amerifreight Systems LLC
Ancor Transport (Canadian Company)
Andrew's Trucking / TRA Transportation
Andrus Transportation
Apex Express, Inc.
Area Logistics
Area Transportation Company
Ashley Distribution Services
ATA-US Midwest
ATC Leasing Unimark Truck Transportation
Atlas SN
Atrium Companies
Auto Carriers-JAX Express
AV Transportation
AWL Transport, Inc./PDQ TL Express, Inc.
BD Transportation, Inc.
B P Express, Inc.

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Baldwin Transport
Barnhart Transportation
Bay and Bay Transfer
Beelman Truck Co
Belmont Moving & Storage
Benefit Trucking
Benny Whitehead
Bestway System/Total Transportation
BIH
Bison Transport (Canadian Company)
Black Horse Carriers
Bowling Green Freight, Inc.
Boyd & Sons. Inc.
Brite Logistics, Inc.
Brook Ledge
BRT, Inc.
B-T, Inc. (Part of Decker)
Buccaneer Enterprises
Buchanan Hauling & Rigging, Inc.
Bulkmatic Transport
Bulldog Freightway, Inc.
Bull's Eye Express, Inc.
Buske Lines, Inc. (Purchased by Gordon Trucking)
C & J Trucking of Iowa
C & K Trucking
C D N Logistics, Inc.
C&I Trucking
California Overland
Carbon Express
Cardone Industries
Caribe Trucking Express, LLC
Carolina Tank Lines
Carry On Trucking, Inc.
Cassen Transport Co
Cedar Valley
Celerity Transport, Inc.
Central Transport, LLC

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Centurion Auto Transport Inc.
Ceva Ground (The Select Carrier Group)
Chambers Transportation
Chandler Trucking
Charger Logistics (Canadian Company)
Charles Bailey Trucking, Inc.
Chief Express, LLC
Clark Transfer
Cloplay Transportation Co
Cobra Logistics
Commonwealth Express
Compass Funding Solutions
Consolidation Services (CSI)
Cooke Trucking
Crewe Transfer, Inc.
CRH Transportation, Inc.
CRT Transportation
DTF Trucking
Dana Transport
Dan Freight System, Inc. (Canadian Company)
Danny Herman Trucking
DeBoer
Decker
Dick Lavy
Dillon Transport, Inc.
Dillon Transportation
Dixie Clean & Sweep LLC/Riverbend Express
DMS Express
DOT Transportation
Dot-Line Transportation
Doug Marquardt/Skyway Transportation
Dowell Transport
Driveline International
DTS Truck Division
Dutch Maid Logistics, Inc.
Dynamic Express, Inc.
Dynamic Transit

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Eagle Motor Freight
East-West Express, Inc.
Eden Logistics/Unlimited Carrier/Trans Quality/ES Express
Equity Transportation
Express 1/Trans-Logistic
FAB Express, Inc.
F&W Transportation, Inc.
Falcon Transport Company
Fed Ex Freight East/West--Viking Freight
Finkle Freight
First Choice Logistics
First Trucking
Flash Truck Lines Corporation
Florida Beauty Express, Inc.
Floyd and Beasley
Forbes Hewlett Transport, Inc. (Canadian Company)
Foltz Trucking, Inc.
Fraley & Schilling
Freedom International
Fremont Contract Carriers
GDX Trucking, Inc. (Canadian Company)
G & D Transportation
G & P Trucking
G & S Expedited
General Services
Genmar Transportation
Global Cargo, Inc.
Grand Island Express
Gretna Enterprises, LLC
GT Trans.
Gypsum
H & M Trucking, Inc.
Halvor Lines, Inc.
Hardy Brothers
Harold David Story (Cedar Creek)
HC Parrish
Heding Trucking Service, Inc.

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Heniff Transportation
Hill Brothers / Hill Brothers Intermodal
Hill Transportation, Inc.
Holland Transport
Holmes Company of Jackson Inc.
Honey Transport
Hyndman Transport (1972) Ltd. (Canadian Company)
Inter INC/ICT Logistics
Iowa Motor Truck
Issac Transportation/Carlos Rodriguez
JBT Transport (Canadian Company)
J & B Services, Inc.
J & M Tank Lines
JNJ Express, Inc.
JTM Transport, Inc.
Jack B Kelley
JD Associates
Jennings Transportation
JK Moving & Storage, Inc.
JKC Trucking
J-Mar Enterprises
Joe's Trucking
Johnson Feed, Inc.
Joker Unlimited Group
JTL Trailers/Carriers
K & C Trucking
K & K Trucking
K B T, Inc.
KF Express, Inc.
K&S Transport Services
K2 Express
Kelle's Transport Service, Inc.
Kellogg's
Kenan Advantage Group, Inc.
Kennedy Trans/Timothy J. Kennedy
Keystone Freight
K-Limited Carrier, Ltd

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Kohler
Koleaseco, Inc.
Lanter Refrigerated
Laris Shelman & Sons Trucking
Lawrence Transportation Co/Wilson Refridgerated
Leaseway Auto Transport (PTS, Inc.)
Lee's Trucking
Lily Transportation Corp
Linden Bulk Transportation
Liquid Transport
Logic Corp Enterprises, LLC
LTI Trucking Company
Lynden Transport, Inc.
M and C Trucking Co
M Brothers/Safe Logistics
MCH Transportation Co
McConnell Transport Limited (Canadian Company)
Madden
Mane's Paper & Food Service
Major Transportation Services
Maktrans
Market Transport, LTD
Max Morgan Motor Freight
Maximum Transportation
McCollister's Transportation
MCI Express /AJT Trucking, Inc.
McKee Foods
McLeod Express/McLeod Farms
McMullen Bros
Meiborg Brothers
Merit Transportation Compnay, Inc.
Metropolitan Trucking, Inc.
Mex Cal Truckline, Inc.
MGR Freight Systems
MI Transportation, Inc.
Mid States Leasing
Mid-South Wire Company (MS Logistics)

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Midwest Coast Transport
Midwest Logistics Inc./IN
Midwest Logistics Systems
Midwest Refrigerated
Minn Tex
MM Global/M&M Transport
Mobility Network
Moore Freight Service
Morris Transportation
Morristown Drivers Service
Multiline Transport, LTD. (Canadian Company)
MR Trucking
Nationwide Transportation, Inc.
New Century Transportation, d/b/a A-One Exp.
New Line Transport, LLC
New World Van Lines
Nick Strimbu, Inc.
NKC Transportation
Northwest Pallet
N Yankee Group (Canadian Company)
Oakley Transport
O'Neal's Steel
One World Logistics
Online Transport, Inc.
473 Ontario, Inc.-Little Rock – (Canadian Company)
1633108 Ontario, Inc.- Pearl GI – (Canadian Company)
Ottery Transportation
P&I Motor Express
Papetti's Hygrade Egg Products
Paragon Motor Lines, Inc.
Park Transportation
Patriot Transport, Inc.
Paul Brandt Trucking, Ltd. (Canadian Company)
Paul Transportation Inc.
Penner International, Inc. (Canadian Company)
Perfetti Trucking
Phoenix Transportation Services

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Piedmont Express
Plainfield Trucking
Pleasant Trucking, Inc.
Pohl Transportaion, Inc.
Pollywog Transport
Polmax
Pope Trucking
Preferred Transport
Price Transport Brokerage/DE Price
Prima Express, Inc.
Prime Inc/O & S Trucking, Inc.
Pritchett Trucking, Inc.
Progressive Transportation
Q Carriers Inc/Quiring, Inc.
Q-Line Trucking (Canadian Company)
Quality Logistics
Quality Supplier Trucking, Inc.
Queen Transportation
R & R Trucking
R&L Carriers
R&R Transportation
Raider Express, Inc.
Reagent Chemical
Refrigerated Express, LC
Regal Beloit Logistics, LLC (Marathon)
Regal Transport, LTD (Canadian Company)
Relco Systems, Inc./BBX, Inc.
Rite Logistix (Kozy's)
Riverside Transport Inc.
Roadrunner Expeditors/JF Freight
Roger's Trucking (Tankstar)
Rose Acre Farms, Inc.
Royal Freight
Ruan Transportation Management
Rubber Duckling
RWH Trucking, Inc./Southern Service
Ryder Integrated Logistics

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Ryder Trucking
S & H Express/Granite Transportation
S & M Transportation, Inc.
Schibi
Service Trucking
Shadd Trucking
Sharkey/Sysco/Shipper's Rental
Sharp Transportation, Inc.
Shrock Trucking Company
Silver Line Building Products
Simbeck, Inc.
SLT Expressways/Expressway Group
Smith Transport
Smith Trucking
Smith Trucking Inc.
Solid Group Inc.
South East Express, Inc.
Southeast Carriers
Southeastern Trailer Rent/ Southern AG Carriers
Sparhawk Trucking Incorporated
Spotted Lakes, LLC
Stan Koch & Sons
Stanley Freight
Star Trans
Sterling Transport Company
Store & Haul, Inc.
Sue Vinjie
Summerford Truck Lines
Summitt Trucking, LLC
Sweet Express
THX Transport, LLC
Tanks Alot, LLC
Taylor Express, Inc.
Taylor Transport
Taz Trucking
Tennant Truck Lines, Inc.
Titan Transfer, Inc.

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Titan Transportation Service, Inc.
TLD Logistics Services, Inc.
T-Lines Express
Tombigbee Transport Company
Total Logistic Control, LLC/Ryder Truck Rental
Total Logistics Trucking (Canadian Company)
TPT Systems (Wiseway Motor Freight) (Canadian Company)
Trans-Carriers, Inc.
Trans4 Logistics (TST Solutions) (Canadian Company)
Transfreight LLC (Canadian Company)
Transco Lines
Transport N Service, Inc. (Canadian Company)
Transport One
Transportation Specialists
Transportation Technology
Transtech Leasing
Transway Transport
Travelers Transportation (Canadian Company)
Tribe Transportation
Tri-Hi Transportation
Trio Trucking, Inc.
Triple C Carrier, LLC
Trian Trucking, Inc.
Truckmen Corporation
Trucks, Inc.
TRX, Inc./Kaplan Trucking/Eastern Express
TTI Inc.
Twiss Transport, LLC
USA Cartage, Inc.
Van WYK, Inc.
Venture Logistics, Inc.
WEL Companies, Inc.
WN Morehouse Truck Line, Inc.
WW Trucking Company
Walsh Truck Repair and Service
Warren Transport
Wenger Truck Lines, Inc.

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Western Express
West Penn Diesel
West Trucking
West Wisconsin/Leonards Express
Windward Petroleum
Winnipeg Motor Express USA (Canadian Company)
Wiseway Motor Freight, Inc. (TPT Systems)
Worldwide Carriers, LTD. (Canadian Company)
Wooster Motor Ways
WTW Enterprises, Inc.
Your Town Transport, Inc.
Zeitner & Sons